

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

VEHICLE IP, LLC

Plaintiff,

v.

ORDER
07-cv-345-jcs

GENERAL MOTORS CORPORATION, ONSTAR
CORPORATION, CELLCO PARTNERHIP and
NETWORKS IN MOTION, INC.,

Defendants.

Plaintiff's motion to compel discovery regarding Networks in Motion products based on AtlasBook Navigator came to be heard by telephone in the above entitled matter on December 19, 2007, the plaintiff having appeared by Axley Brynelson by Michael Modl and Fish & Richardson by William Woodford; defendants Cellco Partership and Networks in Motion by Boardman, Suhr, Curry & Field by Catherine Cetrangolo and Morrison & Foerster by Martin M. Noonan; defendants General Motors Corporation and Onstar Corporation by Reinhart, Boerner & Van Deuren by Scott W. Hansen. Honorable John C. Shabaz, District Judge, presided.

The Court's Preliminary pre-trial conference order does not limit the broad scope of Federal Rule of Civil Procedure 26(b)(1) which permits parties to obtain discovery that appears reasonably calculated to lead to the discovery of admissible evidence.

The Court is of the opinion that defendant Networks in Motion agreed in September to provide discovery on AtlasBook products and failed to do so, and since then has refused to provide documents, interrogatory responses and deposition testimony relating to the products which it will now provide.

Regardless of defendant's failure to comply with the discovery rules, the Court is also of the opinion that failure to so provide was a means to delay the eventual outcome of these proceedings.

Accordingly, monetary sanctions are imposed for defendant's failure to appropriately respond.

Upon receipt of the motion for sanctions, opposing party is given 20 days from receipt thereof to respond; and the moving party 10 days from receipt of response to reply.

ORDER

IT IS ORDERED that defendant Networks in Motion shall provide that discovery requested by plaintiff forthwith and immediately.

Entered this 19th day of December, 2007.

BY THE COURT:

/s/

JOHN C. SHABAZ
District Judge